

U.S.A. vs

Ricardo Castorena-Garcia

No.

08cr2533-LAB

The Court finds excludable delay, under the section indicated by check (☒),

commenced on 9-2-08 and ended on 9-29-08; (X7, XT1)
and ended on 9-29-08.

- 3161(h)
(1) (A) Exam or hrg for **mental or physical incapacity**
(1) (B) **NARA examination** (28:2902)
(1) (D) State or Federal trials or **other charges pending**
(1) (E) **Interlocutory appeals**
(1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)
(1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)
(1) (J) **Proceedings under advisement** not to exceed thirty days
 Misc proc: Parole or prob rev, deportation, **extradition**
(1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less
~~X~~ (1) (I) Consideration by Court of **proposed plea agreement**
(2) **Prosecution deferred** by mutual agreement
(3) (A) (B) **Unavailability of defendant or essential witness**
(4) Period of **mental or physical incompetence** of defendant to stand trial
(5) Period of **NARA commitment or treatment**
(6) **Superseding indictment and/or new charges**
(7) **Defendant awaiting trial of co-defendant** when no severance has been granted
(8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than one of the reasons below are given in support of continuance
(8) (B) (I) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.
~~X~~ (**Continuance - miscarriage of justice**)
2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.
 (**Continuance - tendered a guilty plea**)
(8) (B) (ii) 2) **Case unusual or complex**
(8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days
(8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare
 (**Continuance re counsel**)

3161(I) Time up to **withdrawal of guilty plea**

3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 9/4/08

Det
Judge's Initials

A

B

C

D

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T1

T2

T3

T4

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W